

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Richard W. Wien et al.

**USE OF DERIVATIZED  
NANOPARTICLES TO  
MINIMIZE GROWTH OF  
MICRO-ORGANISMS IN HOT  
FILLED DRINKS**

U.S. Serial No. 10/823,443

Filed: April 13, 2004

Group Art Unit: 1724

Examiner: Peter A. Hruskoci

Confirmation No.: 4807

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Eastman Kodak Company of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent No. 7,258,804. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 7,258,804 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 7,258,804, in the event that U.S. Patent No. 7,258,804 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of

competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

**The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225.**

The undersigned is an attorney of record.

(If this box is *not* checked *do not* use this form)

11-30-07

Date

EIS:cvn  
Telephone: (585) 253-0123  
Facsimile: (585) 477-4646



Eugene I. Shkurko  
Attorney of Record  
Registration No. 36,678

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.